

**Office of Financial Institutions**  
**VIOLENCE IN THE WORKPLACE**

I. APPLICABILITY:

This policy applies to all Office of Financial Institutions employees and to all individuals who, while not Office of Financial Institutions employees, perform work at the Office of Financial Institutions for its benefit.

II. PHILOSOPHY:

Employees are the State's most valuable resource and employee safety and security are essential to carrying out their responsibilities. Every employee has a reasonable expectation to perform his/her assigned duties in an atmosphere free from threats and acts of violence. Recognizing the increasing incidence of violence in the workplace, the Governor issued Executive Order MJF 97-15 committing the State to work towards a violence free workplace for State Employees. The Office of Financial Institutions (OFI) fully supports this effort.

III. POLICY STATEMENTS:

- A. OFI will not tolerate threats or acts of violence in the workplace. This applies not only to threats and acts against other employees, but also to threats and acts against all other persons, including intimate partners. Any physical assault or threat made by an employee while on OFI premises or during working hours is a serious violation of OFI policy.
- B. All firearms and dangerous weapons are banned from the workplace unless expressly authorized by the Commissioner.
- C. Retaliation against any employee who reports a threat or act of violence or assists OFI in the investigation of a complaint is strictly prohibited.
- D. No employee shall intentionally bring false charges against another person or employee in the workplace

IV. DEFINITIONS:

A. ACTS OF VIOLENCE

Acts of violence include physical actions, with or without a dangerous weapon, whether intentional or in reckless disregard for safety, that harm or threaten the safety of another individual.

B. THREAT OF VIOLENCE

A threat of violence is any act or statement, which by its very nature, causes a reasonable person to fear for his/her safety or that of another person.

C. INTENTIONAL

Intentional is a state of mind that exists when circumstances are such that a person either actively desires or, in the ordinary course of human experience, must have known that the consequences of his/her act or failure to act would result from his/her actions or inactions.

D. DANGEROUS WEAPON

For purposes of this Policy a “dangerous weapon” means any firearm, knife, gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.

E. WORKPLACE

Workplace includes all OFI facilities, premises or equipment and any location, leased or otherwise, where OFI employees are engaged in OFI business

V. ROLES AND RESPONSIBILITIES

A. All Employees:

1. Should, when warranted, call emergency services at 911 or the appropriate law enforcement agency when experiencing or observing imminent violence or an actual incident of violence.
2. Should intervene only if doing so would not subject themselves or others to bodily harm.
3. Should, if he/she believes a crime has been committed against him/her, report it to the proper law enforcement agency.
4. Shall promptly and accurately report any violation of this policy to his/her immediate supervisor, or to the nearest member of management. Such reports will be promptly and thoroughly investigated.
5. Shall notify his/her supervisor of any restraining orders against individuals barred from the workplace.

6. Attend Violence in the Workplace training.
7. Comply with the Agency's Violence in the Workplace policy and cooperate fully during incident investigations

B. Supervisors:

1. Shall respond promptly to issues related to workplace safety.
2. Shall determine whether the appropriate law enforcement agency/security should be contacted in the event of a potential or actual incident of violence.
3. Shall promptly inform the Commissioner in the event he/she is advised of a restraining order.
4. Check references on prospective employees.
5. Require employees to attend Violence in the Workplace training.

C. The Commissioner

1. Hire, train, supervise and discipline employees in accordance with the Violence in the Workplace policy.
2. Shall notify the Human Resource Division as soon as possible when made aware of a violation of this policy.
3. Shall work with Human Resources, agency administrators and supervisors, legal counsel, and, where applicable, police/security in promptly conducting investigations concerning allegations of violations of this policy, including interviewing witnesses and parties.
4. Shall obtain a 'Violence Incident Statement' from each employee who is a witness or party to a threat or act of violence (see copy attached). Attempts should be made to obtain a 'Violence Incident Statement' from all witnesses, including non-employees.
5. Shall take appropriate action, disciplinary or otherwise, based on the findings of the investigation.
6. Shall exercise discretion in taking appropriate action in the event he/she is advised of a restraining order or threat of violence.

7. Shall forward to the Human Resource Division a report detailing the action taken on each incident, including copies of each 'Violence Incident Statement'.
8. Shall warn an employee if a threat is made by another to do harm to that employee.
9. Should, where warranted, contact Employee Assistance for guidance and referrals.
10. Shall provide employee training to all employees.
11. Shall comply with and endorse OFI 's Violence in the Workplace policy.
12. Shall assess agency security and implement security precautions and other measures to minimize the risk of foreseeable criminal intrusion.

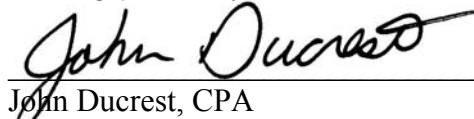
C. Human Resources:

1. Shall coordinate with the Commissioner, safety officer, legal counsel, agency administrators and supervisors, and, where applicable, police/security, the prompt investigation into any allegations of policy violations to determine the appropriate action to be taken.
2. Shall gather and confidentially maintain agency-wide information and records on threats and acts of violence in the workplace.
3. Shall consult with and advise the Commissioner regarding concerns about violent and potentially violent employees or others.
4. Shall provide confidential referral services for clinical evaluation/treatment to any employee desiring assistance with situations relating to anger, threats, or acts of violence in the workplace.

VI. ENFORCEMENT

Employees who violate this policy will be subject to disciplinary action up to and including termination. Non-employee violations of this policy will be handled in accordance with applicable laws.

APPROVED BY:

  
\_\_\_\_\_  
John Ducrest, CPA  
Commissioner

## OFI VIOLENCE INCIDENT STATEMENT

Name of Person making statement: \_\_\_\_\_

Dist./Sect (if applicable): \_\_\_\_\_ Phone No.: \_\_\_\_\_

Title: \_\_\_\_\_

### INCIDENT STATEMENT

Date of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

Incident Duration: \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m.

Names of Parties Involved: \_\_\_\_\_

Witnesses: \_\_\_\_\_

Detailed description of incident. Specify WHO, WHAT, WHEN, WHERE, HOW. (If necessary, attach additional sheets). Completed statement should be forwarded to the Commissioner.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Note:** The contents of this statement will be kept confidential. Its contents will only be released to individuals with a legitimate need to know or if it becomes public record by virtue of an appeal to a court or other adjudicative body.